



JPW  
\$

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Hisao Kikuchi  
Serial No. : 10/807,242  
Filed : March 24, 2004  
For : NETWORK SYSTEM AND COMMUNICATION BAND CONTROL  
METHOD THEREOF  
GROUP : 2661  
EXAMINER : Tri H. Phan

**MAIL STOP ISSUE FEE**  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION**

S I R:

**Identification of Person Making This Disclaimer**

I, John C. Altmiller (Reg. No. 25,951) of KENYON & KENYON, 1500 K Street, N.W., Suite 700, Washington, D.C. 20005-1257, represent that I am an attorney of record in the above-identified application authorized to sign on behalf of the assignees identified below owning all of the interest in this application.

**Identity of Assignee and Title of Disclaimant**

The assignees are : HITACHI, LTD.  
Address of assignee : 6, Kanda Surugadai 4-chome  
Chiyoda-ku, Tokyo, JAPAN  
Title of disclaimant : Attorney of Record

AND : HITACHI PROCESS COMPUTER ENGINEERING, INC.  
Address of assignee : 2-1, Omikacho 5-Chome  
Hitachi-shi Ibaraki, JAPAN  
Title of disclaimant : Attorney of Record

authorized to sign on behalf of assignee.

04/14/2005 MBEYENE1 00000042 10807242

01 FC:1814 130.00 DA

### **Extent of Interest**

The extent of the assignees interest is that each has a 50% interest of this invention.

### **Disclaimer**

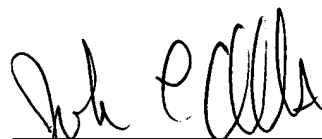
HITACHI, LTD. and HITACHI PROCESS COMPUTER ENGINEERING, INC., together owners of the entire right title and interest in the instant application, hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to § 156 and § 173, as presently shortened by any terminal disclaimer, of copending Application Serial No. 09/6794,171. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to § 156 and § 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Please charge Deposit Account No. 11-0600 in the amount of \$110.00 to cover the fee under 37 C.F.R. § 1.20(d).

Respectfully submitted,

Date: April 12, 2005



John C. Altmiller  
Registration No. 25,951  
Attorney of Record

KENYON & KENYON  
1500 K Street, NW, Suite 700  
Washington, D.C. 20005-1257  
Tel. 202-220-4200  
Fax. 202-220-4201  
510730\_1.DOC/jboulting